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SENATE

REPORT
No. 91-1041

CONTINUING APPROPRIATIONS, 1971

JULY 29, 1970.—Ordered to be printed

Mr. ELLENDER, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany H.J. Res. 1328]

The Committee on Appropriations, to which was referred House Joint Resolution 1328, making further continuing appropriations for the fiscal year 1971, and for other purposes, reports the same to the Senate without amendment and with the recommendation that the joint resolution be passed.

This joint resolution amends clause (c) of section 102 of the joint resolution dated June 29, 1970 (Public Law 91-294) by striking out "July 31, 1970" and inserting in lieu thereof "October 15, 1970". Section 102 of Public Law 91-294 reads as follows:

SEC. 102. Appropriations and funds made available or authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) July 31, 1970, whichever first occurs.

Thus, simply stated, the extension recommended to October 15, 1970 will permit the continued funding of those programs and activities of the Federal Government for which the annual appropriation bills for fiscal year 1971 have not been enacted by July 31, and is in accord with provisions of continuing resolutions adopted in past years.

As of the date of this reporting, only two of the annual appropriation bills have been enacted—the District of Columbia appropriation bill and the Department of the Interior and related agencies appropriation bill. Therefore, the funds and authority pertaining to activities and projects contained in those acts are controlling.

The Conference Report on the Office of Education appropriation bill has been adopted in the House and the Senate and will shortly be before the President for signature. The conferees on the Independent Offices and Department of Housing and Urban Development appropriation bill have reached agreement and the conference report is expected to clear Congress in a day or two. The Department of Agriculture and related agencies appropriation bill has passed both Houses, but the conferees have not yet met to reconcile differences in the two versions. The Senate has considered and passed the legislative branch appropriation bill and the conferees are currently meeting on this measure.

Except for the Department of Defense appropriation bill, which is still pending in the House Appropriations Committee awaiting authorization, the House of Representatives has passed and sent to the Senate the remaining departmental and agency appropriation bills.

Hearings in the Senate committee have been completed on the following bills: Departments of Treasury and Post Office and Executive Office, the Departments of State, Justice, Commerce, the judiciary and related agencies, and the public works appropriations bills. Hearings are underway in the committee on the Department of Transportation and related agencies and the Departments of Labor and Health, Education, and Welfare appropriation bills.

The Military Construction Subcommittee is meeting in joint session with the Armed Services Committee of the Senate in connection with authorizations for various construction projects, following which additional hearings will be held by the Appropriations Subcommittee prior to the markup on the appropriation bill.

Hearings on the foreign assistance appropriation bill have not yet been scheduled in the Senate committee.

In view of the foregoing, an extension of the continuing resolution is imperative to assure the continued functioning of the Federal Government. However, as in all other such resolutions, any obligations or expenditures incurred pursuant to the authority granted in this resolution will be charged against the applicable appropriation when the bill in which such funds or authority are contained is enacted into law.

FOREIGN MILITARY CREDIT SALES PROGRAM

In accord with the policy of many years, the emphasis in a continuing resolution is on the continuation of existing projects and activities at the lowest of one of three rates: the current rate, the budget request where no action has been taken by either House, or the more restrictive amount adopted by either of the two Houses. The thrust of a resolution is to keep the Government functioning on a minimum basis until funds for the full year are otherwise determined upon. Historically, the term "current rate" has been the rate of the prior fiscal year. In those exceptional cases where a program has been temporarily continued under a continuing resolution under the policy described above and when, subsequently, no annual appropriation for that fiscal year, is made by the Congress in the regular bill, there is no "current rate". Although funds may have been obligated under a continuing resolution, the fact that Congress ultimately denied a specific annual appropriation precludes a "current rate".

There was an appropriation for the foreign military credit sales program for fiscal year 1969. The continuing resolutions for fiscal year 1970 continued the program temporarily. However, there was no regular annual specific appropriation for fiscal year 1970 and, consequently, the program was without obligational authority at the end of the continuing resolution period, which was the end of January 1970. The program stopped as of that date. The continuing resolution for fiscal year 1971, beginning July 1, 1970, does not grant authority for the resumption of this program. The program did not have a current rate in fiscal year 1970 and it is suspended until such time as the Congress makes a specific appropriation therefor.

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